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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,248	04/04/2002	Michael Costa	EX 99-004C-US	6072
23500	7590	03/01/2004	EXAMINER	
JAN P. BRUNELLE EXELIXIS, INC. 170 HARBOR WAY P.O. BOX 511 SOUTH SAN FRANCISCO, CA 94083-0511			SHUKLA, RAM R	
			ART UNIT	PAPER NUMBER
			1632	
DATE MAILED: 03/01/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/018,248

Applicant(s)

COSTA ET AL.

Examiner

Ram R. Shukla

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-31 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

1. Claims 1-31 are pending.

Election/Restrictions

2. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-18, drawn to a fly genetically modified to express or misexpress an SREBP pathway protein wherein the SREBP protein is disclosed in SEQ ID NO 2.

Group II, claim(s) 1-18, drawn to a fly genetically modified to express or misexpress an SREBP pathway protein wherein the SREBP protein is disclosed in SEQ ID NO 4.

Group III, claim(s) 1-18, drawn to a fly genetically modified to express or misexpress an SREBP pathway protein wherein the SREBP protein is disclosed in SEQ ID NO 6.

Group IV, claim(s) 1-18, drawn to a fly genetically modified to express or misexpress an SREBP pathway protein wherein the SREBP protein is disclosed in SEQ ID NO 8.

Group V, claim(s) 1-18, drawn to a nematode genetically modified to express or misexpress an SREBP pathway protein wherein the SREBP protein is disclosed in SEQ ID NO 2.

Group VI, claim(s) 1-18, drawn to a nematode genetically modified to express or misexpress an SREBP pathway protein wherein the SREBP protein is disclosed in SEQ ID NO 4.

Group VII, claim(s) 1-18, drawn to a nematode genetically modified to express or misexpress an SREBP pathway protein wherein the SREBP protein is disclosed in SEQ ID NO 6.

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Group VIII, claim(s) 1-18, drawn to a nematode genetically modified to express or misexpress an SREBP pathway protein wherein the SREBP protein is disclosed in SEQ ID NO 8.

Group IX, claim(s) 19-21, drawn to a method for determining the lipid content of a living nematode.

Group X, claim(s) 22-28, drawn to an SREBP nucleic acid disclosed in SEQ ID NO 1.

Group XI, claim(s) 22-28, drawn to an SREBP nucleic acid disclosed in SEQ ID NO 3.

Group XII, claim(s) 22-28, drawn to an SREBP nucleic acid disclosed in SEQ ID NO 5.

Group XIII, claim(s) 22-28, drawn to an SREBP nucleic acid disclosed in SEQ ID NO 7.

Group XIV, claim(s) 29-31, drawn to an SREBP polypeptide disclosed in SEQ ID NO 2.

Group XV, claim(s) 29-31, drawn to an SREBP polypeptide disclosed in SEQ ID NO 4.

Group XVI, claim(s) 29-31, drawn to an SREBP polypeptide disclosed in SEQ ID NO 6.

Group XVII, claim(s) 29-31, drawn to an SREBP polypeptide disclosed in SEQ ID NO 8.

3. The inventions listed as Groups I-XVIII do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The invention of group I lacks the same technical feature as that of the inventions of the groups II-IV because the polypeptides expressed in different groups have different amino acid sequence structure and therefore would have different function and utilities.

The nematodes of the groups V-VIII lack the same technical feature as the inventions of the groups I-IV because a fly (inventions of the groups I-IV) has different structure and utilities compared to a nematode (the inventions of the

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groups V-VIII). The method of the group XI lacks the same technical feature as that of the inventions of the groups I-VIII because the method does not use the fly or nematodes of the groups I-VIII. The inventions of the groups X-XIII lack the same feature because they have different nucleic acid sequence structure. Likewise the amino acids of the inventions of the groups XIV-XVII lack the same technical feature because they have different amino acid compositions.

Because these inventions are distinct for the reasons given above, have acquired a separate status in the art shown by their different recognized divergent subject matter, because they lack the same special technical feature and because each invention requires a separate, non-coextensive search, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ram R. Shukla whose telephone number is (571) 272-0735 . The examiner can normally be reached on Monday through Friday from 7:30 am to 4:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Deborah Reynolds, can be reached at (571) 272-0734. The fax phone number for TC 1600 is (703) 703-872-9306. Any inquiry of a general nature, formal matters or relating to the status of this

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application or proceeding should be directed to the William Phillips whose telephone number is (571) 272-0548.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ram R. Shukla, Ph.D.
Primary Examiner
Art Unit 1632



RAM R. SHUKLA, PH.D.
PRIMARY EXAMINER